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*Attorneys for Plaintiff*

7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

9 EDWARD KELLER, JR., individually, ) CASE NO.: 2:20-cv-284  
10 )  
11 Plaintiff, )  
vs. )  
12 )  
13 ROYCE PLOWMAN, individually, )  
MADISON SMITH, individually; DOES I ) **JOINT PRE-TRIAL ORDER**  
14 through X, inclusive; ROE )  
CORPORATIONS XI through XX, )  
15 inclusive, )  
16 Defendants. )

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17 Plaintiff EDWARD KELLER, JR., ("Plaintiff"), by and through his counsel, ALISON BRASIER,  
18 ESQ., of HICKS & BRASIER, PLLC, and Defendants ROYCE PLOWMAN and MADISON SMITH,  
19 ("Defendants"), by and through their counsel, CHRISTOPHER LUND, ESQ., of TYSON & MENDES,  
20 LLP, and hereby submit their proposed Joint Pretrial Order as follows:

22 After pretrial proceedings in this case,

23 **IT IS SO ORDERED:**

25 **I.**

26 **NATURE OF THE ACTION**

27 This is an action for negligence and negligent entrustment brought by plaintiff EDWARD  
28 KELLER, JR., against Defendants ROYCE PLOWMAN and MADISON SMITH, stemming from a  
motor vehicle accident that occurred on February 1, 2019, in Clark County, Nevada.

1 Plaintiff contends that while traveling south on the I-15 freeway near the I-215 exit, he came to a  
2 complete stop and was rear-ended by a vehicle being operated by Defendant Royce Plowman.  
3

4 Plaintiff seeks special and general damages arising from these causes of action. Defendants deny  
5 these allegations.  
6

## II.

### **STATEMENT OF JURISDICTION**

7 The District Courts of the United States have original jurisdiction of this action by virtue of 28  
8 U.S.C. section 1332 because there is complete diversity of citizenship between the parties.  
9

10 Defendants are now, and were at the time of the subject accident, a resident of the state of Utah.  
11 Defendants have never been citizens of the State of Nevada.  
12

13 Plaintiff is now, and was at the time of the subject accident, a resident of Clark County, Nevada.  
14 Further, the amount in controversy exceeds \$75,000, exclusive of interest and costs.  
15

## III.

### **FACTS ADMITTED BY THE PARTIES AND REQUIRE NO PROOF**

16 On February 1, 2019, Mr. Keller was the driver of a vehicle that was involved in a collision with a  
17 vehicle being operated by Defendant Royce Plowman.  
18

19 Defendant Royce Plowman admits to rear-ending the vehicle driven by Plaintiff.  
20

## IV.

### **FACTS, THOUGH NOT ADMITTED, WILL NOT BE CONTESTED AT TRIAL BY EVIDENCE TO THE CONTRARY**

21 None.  
22

## V.

### **ISSUES OF FACT TO BE TRIED AND DETERMINED UPON TRIAL**

- 23
- 24 1. Whether the subject accident caused the injuries allegedly sustained by Mr. Keller.  
25
  - 26 2. Whether Mr. Keller sustained any injuries.  
27

VI.

**ISSUES OF LAW TO BE TRIED AND DETERMINED UPON TRIAL**

None at this time.

VII.

**EXHIBITS**

(a) The following exhibits are stipulated into evidence in this case and may be so marked by the clerk:

(1) Plaintiff's exhibits: The parties have yet to formally stipulate as to the admissibility of any exhibits at this time, but reserve the right to do so at a later date in conjunction with Motions in Limine.

(2) Defendants' exhibits: The parties have yet to formally stipulate as to the admissibility of any exhibits at this time, but reserve the right to do so at a later date in conjunction with Motions in Limine.

(b) As to the following additional exhibits the parties have reached the stipulations stated:

(1) Plaintiff's exhibits: None

(2) Defendants' exhibits: None

(c) As to the following exhibits, the party against whom the same will be offered objects to their admission upon the grounds stated:

(1) Set forth the plaintiff's exhibits and objections to them. The parties have yet to formally stipulate as to the admissibility of any exhibits at this time, but reserve the right to do so at a later date in conjunction with Motions in Limine.

(2) Set forth the Defendants' exhibits and objections to them. The parties have yet to formally stipulate as to the admissibility of any exhibits at this time, but reserve the right to do so at a later date in conjunction with Motions in Limine.

(d) Electronic evidence: (State whether the parties intend to present electronic evidence for purposes of jury deliberations.)

1 (1) Plaintiff: Yes.

2 (2) Defendant: Yes

3 (e) Depositions:

4  
5 (1) Plaintiff will offer the following depositions for any purpose and/or impeachment at the  
time of trial:

6 a. Edward Keller

7 b. William Muir, M.D.

8 c. Royce Plowman

9 d. Madison Plowman

10  
11 (2) Defendant will offer the following depositions for any purpose at the time of trial:

12 a. Edward Keller

13 b. William Muir, M.D.

14 c. Royce Plowman

15 d. Madison Plowman

16 (f) Objections to Depositions:

17  
18 The parties preserve their objections made on the record during each deposition, and to the use of  
19 any deposition transcript in lieu of live testimony absent a witness who meets the definition of being  
20  
21 “unavailable” for purposes of trial.

22  
23 **VIII.**

24 **WITNESSES**

25 The following witnesses may be called by the parties upon trial:

26 (a) Plaintiff's Witnesses:

27 1. EDWARD KELLER  
28 c/o Alison M. Brasier, Esq.  
HICKS & BRASIER, PLLC  
2630 S. Jones Blvd., Las Vegas, Nevada 89146

- 1  
2. ROYCE PLOWMAN, Defendant  
3 c/o Thomas E. McGrath, Esq.  
4 Rachel J. Holzer, Esq.  
5 Tyson & Mendes LLP  
6 3960 Howard Hughes Pkwy., Suite 600  
7 Las Vegas, NV 89169  
8  
9. MADISON SMITH, Defendant  
10 c/o Thomas E. McGrath, Esq.  
11 Rachel J. Holzer, Esq.  
12 Tyson & Mendes LLP  
13 3960 Howard Hughes Pkwy., Suite 600  
14 Las Vegas, NV 89169  
15  
16. Barry Lenhart  
17 952 Upper Meadows Pl  
18 Henderson, NV 89052  
19 215-768-0244  
20  
21. Samuel Perry  
22 50 Aura De Blanco Street, Unit 14101  
23 Henderson, NV 89074  
24 484-792-1501  
25  
26. Gina Ferretti  
27 10701 S Eastern Ave., Apt 921  
28 Henderson, NV 89052  
29 702-680-3075  
30  
31. Angelika Velazquez  
32 304 E Silverado Ranch Blvd., Unit 1231  
33 Las Vegas, NV 89183  
34 702-724-6387  
35  
36. Stephen Gephardt, M.D. and/or  
37 Eric D. Travis, MS, PA-C  
38 Person(s) Most Knowledgeable and/or Custodian of Records at  
39 Nevada Pain Care  
40 7220 S. Cimarron Rd., Ste. 270  
41 Las Vegas, NV 89113  
42  
43. Eric Travis, PA and/or  
44 Person(s) Most Knowledgeable and/or Custodian of Records at  
45 PBS Anesthesia

1                   3157 N. Rainbow Blvd. #518  
2                   Las Vegas, NV 89108

- 3                   10. Person(s) Most Knowledgeable and/or Custodian of Records at  
4                   Kroger Pharmacy  
5                   9997 Carver Rd.  
6                   Blue Ash, OH 45242
- 7                   11. Yeonsoo James Kim, M.D. and/or  
8                   Person(s) Most Knowledgeable and/or Custodian of Records at  
9                   Steinberg Diagnostic Medical Imaging Centers  
10                  2767 N. Tenaya Way  
11                  Las Vegas, NV 89128
- 12                  12. Chad M. Hanson, M.D., and/or  
13                  Person(s) Most Knowledgeable and/or Custodian of Records at  
14                  Desert Orthopaedic Center  
15                  2800 E. Desert Inn Road, Suite 100  
16                  Las Vegas, NV 89121
- 17                  13. Alexander S. Janda, D.C., and/or  
18                  Person(s) Most Knowledgeable and/or Custodian of Records at  
19                  Advanced Spine & Rehabilitation  
20                  715 Mall Ring Circle, Suite 205  
21                  Henderson, NV 89014
- 22                  14. Keith M. Lewis, M.D. and/or  
23                  Person(s) Most Knowledgeable and/or Custodian of Records at  
24                  Pueblo Medical Imaging  
25                  5495 S. Rainbow Blvd., Suite 101  
26                  Las Vegas, NV 89118
- 27                  15. Person(s) Most Knowledgeable and/or Custodian of Records at  
28                  American Toxicology c/o Premier Screening LLC  
29                  712 Fair Oaks Ave., Suite 203  
30                  South Pasadena, CA 91030
- 31                  16. Stephen Gephardt, M.D. and/or  
32                  Person(s) Most Knowledgeable and/or Custodian of Records at  
33                  Red Rock Pain Surgery Center  
34                  5915 S. Rainbow Blvd., 108  
35                  Las Vegas, NV 89118
- 36                  17. Eric J. Brimhall, M.D. and/or  
37                  Person(s) Most Knowledgeable and/or Custodian of Records at  
38                  Innovative Pain Care Center  
39                  9065 S. Pecos Rd., Suite 203

1                   Henderson, NV 89074

2                   (b) Defendant's Witnesses:

- 3                   1. Defendant ROYCE PLOWMAN  
4                   c/o Tyson & Mendes  
5                   3960 Howard Hughes Parkway, Suite 600  
6                   Las Vegas, Nevada 89169
- 7                   2. Defendant MADISON SMITH  
8                   c/o Tyson Mendes  
9                   3960 Howard Hughes Parkway, Suite 600  
10                  Las Vegas, Nevada 89169
- 11                  3. Plaintiff EDWARD KELLER  
12                  c/o Alison M. Brasier, Esq.  
13                  HICKS & BRASIER, PLLC  
14                  2630 S. Jones Blvd.,  
15                  Las Vegas, Nevada 89146
- 16                  4. Samuel Perry  
17                  50 Aura De Blanco Street, Unit 14101  
18                  Henderson, NV 89074  
19                  484-792-1501
- 20                  5. Jessica Rivers  
21                  Address unknown  
22                  Tel: 801-363-7114
- 23                  6. Abby Roberts  
24                  Address unknown  
25                  Tel: 801-400-5659
- 26                  7. Mitchell Scott  
27                  Address unknown  
28                  Telephone unknown
- 29                  8. Officer Matthew Leon, Badge No. H6413  
30                  Nevada Highway Patrol  
31                  4615 W. Sunset Road  
32                  Las Vegas, NV 89118  
33                  Tel: 702-486-4100
- 34                  9. Plaintiff's medical providers
- 35                  10. Records custodian(s) to produce and authenticate any records relevant hereto

1  
2                   **IX.**  
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4                   **EXPERT WITNESSES**  
5

6                   Plaintiff's expert witnesses:  
7

- 8                   1. William Muir, M.D.  
9                   2. Plaintiff's treating physicians previously listed  
10

11                   Defendants' expert witnesses:  
12

- 13                   1. Hugh L. Bassewitz, M.D.  
14                   2. John E. Herr, M.D.  
15

16                   **X.**  
17

18                   **AGREED-UPON TRIAL DATES**  
19

20                   Counsel have met and herewith submit a list of three (3) agreed-upon trial dates:  
21

22                   01/10/2022

23                   01/17/2022

24                   01/24/2022

25                   It is expressly understood by the undersigned that the court will set the trial of this matter on one  
26                   (1) of the agreed-upon dates if possible; if not, the trial will be set at the convenience of the court's  
27                   calendar.  
28

16                   **X.**  
17

18                   **NUMBER OF ESTIMATED DAYS FOR TRIAL**  
19

20                   It is estimated that the trial will take a total of 3-5 days.  
21

22                   APPROVED AS TO FORM AND CONTENT:  
23

24                   **HICKS & BRASIER, PLLC**

25                   \_\_\_\_\_  
26                   */s/ Alison Brasier*  
27                   ALISON BRASIER, ESQ.  
28                   Nevada Bar No. 10522  
29                   2630 S. Jones Blvd.  
30                   Las Vegas, Nevada 89146  
31                   Attorneys for Plaintiff

24                   **TYSON & MENDES, LLP**

25                   \_\_\_\_\_  
26                   */s/ Christopher Lund*  
27                   CHRISTOPHER LUND, ESQ.  
28                   Nevada Bar No. 12435  
29                   170 South Green Valley Parkway, Suite 300  
30                   Henderson, NV 89012  
31                   Attorneys for Defendants Royce Plowman and  
32                   Madison Smith

1  
2                   **XI.**  
3

4                   **ACTIONS BY THE COURT**  
5

6                   This case is set for ~~court~~/jury trial on the ~~fixed~~/stacked calendar on March 14, 2022. Calendar call  
7                   at 9:00 AM.  
8                   will be held on March 9, 2022 at 1:30 PM.

9  
10                  This pretrial order has been approved by the parties to this action as evidenced by their signatures  
11                  or the signatures of their attorneys hereon, and the order is hereby entered and will govern the trial of this  
12                  case. This order may not be amended except by court order and based upon the parties' agreement or to  
13                  prevent manifest injustice.

14                  DATED: August 6, 2021

15  
16                    
17                  \_\_\_\_\_  
18                  UNITED STATES DISTRICT JUDGE  
19  
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1  
2                   **CERTIFICATE OF E-SERVICE**  
3

4                   Pursuant to Rule 5(b) of the Federal Rules of Civil Procedure, I hereby certify under penalty of  
5 perjury that I am an employee of HICKS & BRASIER, PLLC, and that on the 30th day of July, 2021, the  
6 foregoing **JOINT STATUS REPORT** was served upon the parties via the Court's e-filing and service  
7 program, addressed as follows:

8                   Thomas E. McGrath, Esq.  
9                   Christopher Lund, Esq.  
10                  Tyson & Mendes LLP  
11                  3960 Howard Hughes Pkwy., Suite 600  
12                  Las Vegas, NV 89169  
13                  *Attorneys for Defendants*  
14                  Fax: (702) 938-1048

15                  \_\_\_\_\_  
16                  */s/ James Longbrake*  
17                  An employee of the HICKS & BRASIER, PLLC  
18  
19  
20  
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26  
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